

AMENDED IN ASSEMBLY AUGUST 12, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1176

Introduced by Senator Dunn

February 5, 2004

~~An act to amend Section 18420 of~~ *An act to amend Section 798.25 of the Civil Code, and to amend Section 18420 of, and to amend, repeal, and add Section 18552 of, the Health and Safety Code, relating to mobilehome parks.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1176, as amended, Dunn. Mobilehome parks.

(1) *The Mobilehome Residency Law prescribes procedures for amendment of park rules.*

This bill would prescribe additional procedures for an amendment of park rules mandated by a change in law.

(2) *Existing regulations of the Department of Housing and Community Development prescribe criteria for mobilehome and cabana roof load capacity.*

This bill, until January 1, 2007, would, notwithstanding those regulations, prescribe criteria for the installation of homes that do not have a specified load resistance.

(3) The Mobilehome Parks Act requires certain local enforcement agencies to enter and inspect all mobilehome parks once every 7 years, as specified. The act requires the local enforcement agency to issue a notice to correct ~~the~~ any violation of the act. For violations other than imminent threats to health and safety, the act requires the notice to allow

90 days for correcting the alleged violation and authorizes extensions for a reasonable time period for specified reasons.

This bill would require the notice to instead allow 60 days for correcting the alleged violation and would authorize an extension of 30 days or an additional reasonable time period after the 60 days. By increasing the duties of local officials, this bill would impose a state-mandated local program.

~~(2)–~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 798.25 of the Civil Code is amended to*
2 *read:*

3 798.25. (a) ~~When~~ *Except as provided in subdivision (d),*
4 *when* the management proposes an amendment to the park's rules
5 and regulations, the management shall meet and consult with the
6 homeowners in the park, their representatives, or both, after
7 written notice has been given to all the homeowners in the park 10
8 days or more before the meeting. The notice shall set forth the
9 proposed amendment to the park rules and regulations and shall
10 state the date, time, and location of the meeting.

11 (b) ~~Following~~ *Except as provided in subdivision (d) following*
12 the meeting and consultation with the homeowners, the noticed
13 amendment to the park rules and regulations may be implemented,
14 as to any homeowner, with the consent of that homeowner, or
15 without the homeowner's consent upon written notice of not less
16 than six months, except for regulations applicable to recreational

1 facilities, which may be amended without homeowner consent
2 upon written notice of not less than 60 days.

3 (c) Written notice to a homeowner whose tenancy commences
4 within the required period of notice of a proposed amendment to
5 the park's rules and regulations under subdivision (b) *or* (d) shall
6 constitute compliance with this section where the written notice is
7 given before the inception of the tenancy.

8 (d) *When the management proposes an amendment to the*
9 *park's rules and regulations mandated by a change in the law,*
10 *including, but not limited to, a change in a statute, ordinance, or*
11 *governmental regulation, the management may implement the*
12 *amendment to the park rules and regulations, as to any*
13 *homeowner, with the consent of that homeowner or without the*
14 *homeowner's consent upon written notice of not less than 60 days.*
15 *For purposes of this subdivision, the management shall specify in*
16 *the notice a citation to the statute, ordinance, or regulation,*
17 *including the section number, that necessitates the proposed*
18 *amendment to the park's rules and regulations.*

19 (e) Any amendment to the park's rules and regulations that
20 creates a new fee payable by the homeowner and that has not been
21 expressly agreed upon by the homeowner and management in the
22 written rental agreement or lease, shall be void and unenforceable.

23 SEC. 2. Section 18420 of the Health and Safety Code is
24 amended to read:

25 18420. (a) (1) If, upon inspection, the enforcement agency
26 determines that a mobilehome park is in violation of any provision
27 of this part, or any rule or regulation adopted pursuant thereto, the
28 enforcement agency shall promptly, but not later than 10 days,
29 excluding Saturday, Sunday, and holidays, after the enforcement
30 agency completes the inspection and determines that the alleged
31 violation exists, issue a notice to correct the violation to the owner
32 or operator of the mobilehome park and to the responsible person,
33 as defined in Section 18603.

34 (2) In the event of a violation that constitutes an imminent
35 threat to health and safety, the notice of violation shall be issued
36 immediately and served on the owner or operator of the
37 mobilehome park and to the responsible person, as defined in
38 Section 18603.

(3) The owner or operator of the mobilehome park shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(b) (1) If, upon inspection, the enforcement agency determines that a manufactured home, mobilehome, an accessory building or structure, or lot is in violation of any provision of Chapter 4 (commencing with Section 18500), Chapter 5 (commencing with Section 18601), Chapter 6 (commencing with Section 18690), or any rule or regulation adopted pursuant thereto, the enforcement agency shall promptly, but not later than 10 days, excluding Saturday, Sunday, and holidays, after the enforcement agency completes the inspection and determines that the alleged violation exists, issue a notice to correct the violation to the registered owner of the manufactured home or mobilehome, with a copy to the occupant thereof, if different from the registered owner.

(2) In the event a violation is discovered that constitutes an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction, the notice of violation shall be issued immediately and served upon the occupant, with a copy mailed to the registered owner of the manufactured home or mobilehome, if different from the occupant, to the owner or operator of the mobilehome park, and to the responsible person, as defined in Section 18603.

(3) The registered owner of the manufactured home or mobilehome shall be responsible for the correction of any violations for which a notice of violation has been given pursuant to this subdivision.

(4) The enforcement agency may issue a notice of violation in accordance with this chapter to the owner of a recreational vehicle, or of factory-built housing, which occupies a lot within a mobilehome park.

(c) (1) Service of the notice of violation shall be effected either personally or by first-class mail. Each notice of violation shall be in writing and shall describe with particularity the nature of the violation in as clear language as the technicality of the violation will allow the average layperson to understand what is being cited, including a reference to the statutory provisions or regulation alleged to have been violated, as well as any penalty provided by law for failure to make timely correction.

1 (2) The department shall develop a list of local agencies that
2 have home rehabilitation or repair programs for which registered
3 owners or occupants of manufactured homes and mobilehomes
4 residing in mobilehome parks may be eligible. The list shall be
5 provided to registered owners or occupants who receive notices of
6 violation and who reside in those jurisdictions that have
7 rehabilitation or repair programs for which they may be eligible.

8 (3) For violations other than imminent threats to health and
9 safety as provided in paragraph (2) of subdivision (a) and
10 paragraph (2) of subdivision (b), the notice of violation shall allow
11 60 days from the postmarked date of the notice or date of personal
12 delivery for the elimination of the condition constituting the
13 alleged violation.

14 (4) If after the reinspection of a violation described in
15 paragraph (3) of this subdivision, the enforcement agency
16 determines that there is a valid reason why a violation has not been
17 corrected, including, but not limited to, weather conditions,
18 illness, availability of repair persons, or availability of financial
19 resources, the enforcement agency may extend the time for
20 correction, at its discretion, for 30 days or an additional reasonable
21 period of time after the 60-day period.

22 (5) Upon a reinspection after the 60-day period of a violation
23 described in paragraph (3) of this subdivision, if a second notice
24 to correct a violation that is the responsibility of the registered
25 owner of the manufactured home or mobilehome pursuant to
26 paragraph (1) of subdivision (b) is issued to the registered owner
27 of a manufactured home or mobilehome, with a copy to the
28 occupant thereof, if different from the registered owner, a copy of
29 the notice shall also be provided to the owner or operator of the
30 mobilehome park, and to the responsible person, as defined in
31 Section 18603. Upon a reinspection after the 60-day period of a
32 violation described in paragraph (3) of this subdivision, if a second
33 notice to correct a mobilehome park violation pursuant to
34 paragraph (1) of subdivision (a) is issued to the owner or operator
35 of the mobilehome park and to the responsible person, as defined
36 in Section 18603, the enforcement agency shall post a copy of the
37 violation in a conspicuous place in the mobilehome park common
38 area, and the posted notice shall only be removed by the
39 enforcement agency when the violation is corrected.

(6) All violations described in paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b) shall be corrected within a reasonable time as determined by the enforcement agency. Notices of those violations shall state the time determined by the enforcement agency within which corrections must be made.

(d) Notwithstanding any other provision of law, the enforcement agency may, at its sole discretion, determine not to issue a notice of violation pursuant to this chapter if the condition which violates this part or the regulations adopted pursuant thereto does not constitute an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction. If the enforcement agency determines, pursuant to this subdivision, not to issue a notice of violation, the enforcement agency shall include in its inspection report a description of the condition which violates this part and its determination not to issue a notice of violation.

~~SEC. 2.—~~

SEC. 3. Section 18552 of the Health and Safety Code is amended to read:

18552. (a) The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt other regulations for manufactured home or mobilehome accessory buildings or structures. The regulations adopted by the department shall provide for the construction, location, and use of manufactured home or mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public, and shall be enforced by the appropriate enforcement agency.

(b) *Notwithstanding Sections 1338 and 1433 of Title 25 of the California Code of Regulations, if a mobilehome or cabana that is installed above 5,000 feet in elevation does not have the capacity to resist the minimum snow loads as established for residential buildings by local ordinance, then the home may only be installed in a mobilehome park that has an approved snow load maintenance program, on the condition that the installation complies with all other applicable requirements of these regulations and is approved by the enforcement agency. A conditional permit to operate subject to the snow roof load*

1 maintenance program shall be obtained from the enforcement
2 agency.

3 (c) This section shall remain in effect only until January 1,
4 2007, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, 2007, deletes or extends that date.

6 SEC. 4. Section 18552 is added to the Health and Safety Code,
7 to read:

8 18552. (a) The department shall adopt and submit building
9 standards for approval pursuant to Chapter 4 (commencing with
10 Section 18935) of Part 2.5, and the department shall adopt other
11 regulations for manufactured home or mobilehome accessory
12 buildings or structures. The regulations adopted by the department
13 shall provide for the construction, location, and use of
14 manufactured home or mobilehome accessory buildings or
15 structures to protect the health and safety of the occupants and the
16 public, and shall be enforced by the appropriate enforcement
17 agency.

18 (b) This section shall become operative on January 1, 2007.

19 SEC. 5. It is the intent of the Legislature in enacting Section
20 3 of this act to invalidate, until January 1, 2007, changes that
21 relate to minimum roof live load requirements for manufactured
22 housing units and cabanas installed at elevations above 5,000 feet
23 in Sections 1338 and 1433 of Title 25 of the California Code of
24 Regulations, and for which a certificate of compliance was filed
25 on July 7, 2004.

26 SEC. 6. Notwithstanding Section 17610 of the Government
27 Code, if the Commission on State Mandates determines that this
28 act contains costs mandated by the state, reimbursement to local
29 agencies and school districts for those costs shall be made pursuant
30 to Part 7 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the claim for
32 reimbursement does not exceed one million dollars (\$1,000,000),
33 reimbursement shall be made from the State Mandates Claims
34 Fund.

